

Appl. No. 09/739,428

Renewed Petition dated October 10, 2006



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SFU

Atty. Docket: 2537 PRO (203-2755)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** Finch et al. **EXAMINER:** Aaron Roane  
**SERIAL NO.:** 09/739,428 **GROUP UNIT:** 3739  
**FILED:** December 18, 2000 **DATED:** October 11, 2006  
**FOR:** **APPARATUS FOR THERMAL TREATMENT  
OF AN INTERVERTEBRAL DISC**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 C.F.R. § 1.137 (b)**

Sir:

Applicants herewith submit a Renewed Petition for Revival of an Application Abandoned Unintentionally under 37 C.F.R. § 1.137 (b) in response to the decision mailed on September 22, 2006. The decision dismissed Applicants' Petition filed on July 12, 2006 to revive the above-identified application.

It was asserted that Applicants have failed to submit corrected drawings as required by the Notice of Allowability and that corrected drawings must be submitted before the Petition can be revived. In a telephone interview with Examiner Aaron Roane conducted on September 26, 2006, Examiner Roane acknowledged that the drawings Applicants' filed on March 24, 2006 are acceptable. In this telephone interview, Examiner Roane also acknowledged that he

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2006.

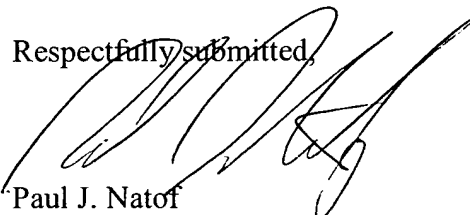
Dated: October 11, 2006

  
Maria Capitan

inadvertently checked the box indicating that corrected drawings were necessary on the Supplemental Notice of Allowability mailed on June 16, 2006. Examiner Roane documented this information in writing in an Interview Summary following the telephone interview of September 26, 2006.

Notwithstanding the written acknowledgment by Examiner Roane that the drawings submitted by Applicants on March 24, 2006 are acceptable, Applicants have hereby submitted copies of all these drawing sheets (FIGS. 1-3). Therefore, Applicants' respectfully request revival of the above-identified application.

If the Examiner or Petitions Attorney should have any questions concerning this communication, the Examiner or Petitions Attorney is requested to call the Applicants' undersigned attorney at his or her convenience.

Respectfully submitted,  
  
Paul J. Natof  
Reg. No. 54,333  
Attorney for Applicants

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

**Mailing Address:**  
Chief Patent Counsel  
UNITED STATES SURGICAL  
Division of Tyco Healthcare Group LP  
195 McDermott Road  
North Haven, CT 06473  
(203) 492-8193  
ECM/PN

Enclosures: FIGS. 1-3